

## CITY OF ALAMEDA PLANNING BOARD DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING  
PLN11-0023 – USE PERMIT, AT 1533 WEBSTER STREET

WHEREAS, an application was made on January 27, 2011, by Qing Yi Huang, requesting a Use Permit for operation of proposed beauty salon, including retail and massage, within the Webster Street Community Commercial zoning district; and

WHEREAS, the application was accepted as complete on February 8, 2011; and

WHEREAS, the project site is located within a C-C, Community Commercial Zoning District; and

WHEREAS, the project site is located within a Community Commercial Business District; and

WHEREAS, Planning Board held a public hearing on this application on March 28, 2011; and

WHEREAS, the Planning Board has made the following findings concerning the project:

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The proposed retail and beauty salon, as conditioned, is consistent and compatible with adjacent commercial properties. The use will occupy an existing 5,000 square foot commercial space. The proposed space is on a commercially zoned (C-C) parcel facing Webster Street. The properties to the north, south, and east are zoned C-C as well. The properties to the west are zoned R-4. The proposed use is not projected to create any noise, light, or waste impacts for the adjacent properties, as the building has no openings to any side except the storefront facing Webster Street. The storefront along the Webster Street is not proposed to be altered.

The area has several similar uses with two other hair salons and a barbershop located on the same block of Webster Street. Several commercial spaces on the block are currently vacant.

**2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

The proposed site is along the Webster Street commercial corridor. The General Plan designates Webster Street as a Primary Transit street and it has seven bus lines providing both local, trans-bay, and night service. Webster Street is also classified as a Commercial Main street supporting pedestrian-oriented retail. The previous tenant was a fabric and needlework store. The site has no off-street parking and it is infeasible to add any parking to the site as the existing building covers the entire site. The General Plan also discourages new curb cuts on Commercial Main Streets.

**3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.**

The proposed use, as conditioned, will be a combination of retail sales and personal services that fits within the pedestrian oriented commercial uses that make up the Webster Street district. It is an established Alameda business with an existing client base. The 5,000 square foot space was previously a fabric and needlework store. The site has been vacant for approximately eight months and there are several other vacant commercial spaces on the block.

**4. The proposed use relates favorably to the General Plan.**

The Community Commercial designation includes uses such as, “include small retail stores, department stores, motels, automobile sales and service, and offices, depending on location.” The proposed beauty salon will provide a small retail store, consistent with the General Plan designation for the Webster Street corridor and guiding policies 2.5.b and 2.5.d.

BE IT RESOLVED THAT, the project is Categorically Exempt from additional environmental review pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Use Permit, PLN11-0023 a Use Permit for operation of a beauty salon, including retail and massage, within the Webster Street Community Commercial zoning district subject to compliance with the following conditions:

- (1) All improvements shall be consistent with the site plan included as Attachment 3. A

site inspection to determine compliance with this Use Permit Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify the Community Development Department at least four days prior to the requested Planning Inspection dates.

- (2) All signage shall be subject to a Sign Permit and must comply with the Webster Street Design Manual. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
- (3) Any massage practitioners on site shall obtain a City of Alameda Massage Technician Permit per AMC. Section 6-46 - Massage Establishments, Massage Technicians, and Massage Services.
- (4) Revocation: This Use Permit may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that:
  - a. The use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity;
  - b. The property is operated or maintained so as to constitute a public nuisance; or
  - c. The use is operated in violation of the conditions of the Use Permit.
- (5) Vesting: The Use Permit approval shall expire two (2) years after the date of approval or by (March 28, 2013) unless authorized construction or use of the property has commenced. The applicant may apply for a time extension, not to exceed two (2) years. An extension request will be subject to approval by the Zoning Administrator and must be filed prior to the date of expiration.
- (6) HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

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